

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES -- GENERAL

Case No. **CV 17-01900-JFW (KKx)**

Date: December 4, 2017

Title: Ricardo Carmona et al. -v- Mike Mustafa, et al.

PRESENT:

HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS (IN CHAMBERS):

**ORDER GRANTING DEFENDANTS' MOTION TO
STRIKE PLAINTIFFS' COMPLAINT [Docket No. 29;
filed 11/13/17]**

On November 13, 2017, Defendants Officer Rodriguez and Officer Viefhaus (collectively, "Defendants") filed a Special Motion to Strike Plaintiffs' Complaint ("Motion"). Plaintiffs Ricardo Carmona and Nab I AM did not timely file an Opposition or Notice of Non-Opposition. Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, the Court finds that this matter is appropriate for decision without oral argument. The hearing calendared for December 18, 2017 is hereby vacated and the matter taken off calendar. After considering the moving papers, and the arguments therein, the Court rules as follows:

Pursuant to Local Rule 7-9, Plaintiffs were required to file and serve their Opposition or Notice of Non-Opposition "not later than twenty-one (21) days before the date designated for the hearing of the motion," or November 27, 2017. See Local Rule 7-9. Local Rule 7-12 provides that "[t]he failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting . . . of the motion." See Local Rule 7-12. As of December 4, 2017, Plaintiffs have not filed an Opposition or Notice of Non-Opposition to Defendants' Motion. Pursuant to Local Rule 7-12, the Court deems Plaintiffs' failure to file an Opposition or to otherwise comply with Local Rule 7-9 as consent to the granting of Defendants' Motion. In addition, Plaintiffs have failed to file the Joint Report due November 27, 2017, as required by the Court's Order on October 12, 2017 [Docket No. 17].

Accordingly, Defendants' Motion to Strike Plaintiffs' Complaint is **GRANTED**. Based on Plaintiffs' failure to oppose the Motion and Plaintiffs' failure to file the joint report, Plaintiffs' Complaint against Defendants is **DISMISSED with prejudice**.

IT IS SO ORDERED.